

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMIRA SIERRA, AMALI SIERRA, RICARDO
NIGAGLIONI, ALEX GUTIERREZ, and CHARLES
HENRY WOOD, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

CITY OF NEW YORK, a municipal entity; and
Mayor BILL DE BLASIO,
Chief of Department TERENCE A. MONAHAN,
Assistant Chief KENNETH C. LEHR,
Inspector ROBERT GALLITELLI,
Bureau Chief HARRY WEDIN,
Deputy Chief JOHN D'ADAMO,
Deputy Chief GERARD DOWLING,
Captain JULIO DELGADO,
Sergeant KENNETH RICE,
Sergeant THOMAS GARGUILLO,
Police Officer JOHN MIGLIACCIO,
and Police Officer THOMAS MOSHER,
in their individual capacities,

20-cv-10291 (CM)(GWG)
20-cv-10541 (CM)(GWG)

Defendants.

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**DECLARATION OF ROB RICKNER IN SUPPORT OF
MOTION FOR CLASS CERTIFICATION**

ROB RICKNER declares under penalty of perjury, and pursuant to 28 U.S.C. § 1746, that
the following is true and correct:

1. I am an attorney admitted to practice before the courts of the State of New York
and this District. I submit this declaration in support of Plaintiffs' Motion for Class Certification.
2. I have represented the plaintiffs in this action since near its inception. *See, Sierra
v. City of New York*, 20-cv-10291, Dkt. 90. Consequently, I am fully familiar with the facts and

circumstances concerning the prosecution of this action.

3. I own and manage a small civil rights firm, Rickner PLLC, located at 14 Wall Street, Suite 1603, New York, New York 10005. My associate Stephanie Panousieris has also worked on the case, as did an intern, Emily Margolis.

4. I graduated from the University of Vermont in 2000, majoring in Comparative Religion, with a dual minor in Political Science and Sociology. I also studied abroad at the University of Sussex, in England, studying Sociology. Between college and law school, I worked for the non-profit performing arts organizations Burlington Discover Jazz Festival and First Night Burlington, in Vermont. I also worked for a solo practitioner, who was the equivalent of an 18-b public defender, representing indigent clients in Chittenden County, Vermont.

5. I attended Hofstra School of Law on merit scholarship and graduated magna cum laude in 2005. I was also a member of the Hofstra Law Review, and was on the Dean's List every semester. During law school, I interned for a public defender and worked for the New York City Department of Juvenile Justice, drafting policies regarding the treatment of incarcerated minors as well as assisting in disciplining the counsellors (who are largely the equivalent of correction officers in an adult facility).

6. After law school, I received an LL.M. from New York University School of Law, studying internet competition policy and how it intersects with and facilitates free speech, graduating in 2006 with a 3.51 grade point average.

7. I started my career at Quinn Emanuel Urquhart & Sullivan, LLP in 2006, and soon moved to Schiff Hardin LLP, in December 2007. At Schiff, I spent the majority of my time managing the World Trade Center Disaster Site Litigation in the Southern District of New York,

representing the Port Authority of New York and New Jersey. In this mass tort, I questioned more than 50 witnesses at depositions, reviewed tens of thousands of pages of medical records, managed a massive document review, drafted motions, and analyzed the liability and damages claims of dozens of exemplar cases. I also worked on several commercial litigation matters, and spent more than 1,000 hours litigating a pro bono case, *Joseph S. v. Hogan*, 06-CV-01042 (E.D.N.Y.) on behalf of hundreds of persons with mental illness that were improperly being warehoused in nursing homes, facilities which were ill equipped to handle them and greatly restricted their freedom. This culminated in a complex settlement with the State of New York at the final pre-trial conference, where the State agreed to release them to less restrictive and more appropriate housing.

8. I left Schiff Hardin in March 2013, following resolution of the Disaster Site litigation and the *Joseph S.* case, in order to find a position that allowed me to focus more on civil rights litigation. During this break, I volunteered approximately 30 hours a week for Justice Barbara Jaffe in the Supreme Court, County of New York, drafting decisions and assisting with tort trials.

9. In August 2013, I joined Eaton & Van Winkle LLP, working with first amendment lawyer Martin Garbus, who ran the firm's civil rights group, as well working in the commercial litigation group. At the firm, I handled first amendment cases, as well as several wrongful conviction cases, including representing Eric Glisson in his civil suit against the City of New York. Mr. Glisson, along with four others, was wrongfully convicted of murder in the 1990s. Mr. Glisson was exonerated with help from the United States Attorney for the Southern District of New York, Preet Bharara, who devoted a chapter of his book, *Doing Justice: A*

Prosecutor's Thoughts on Crime, Punishment, and the Rule of Law, to Mr. Glisson's exoneration. After he was exonerated, Mr. Glisson filed a civil suit along with his codefendants, which resolved for a record breaking \$40 million in 2016, second only to the settlement of the Exonerated Five cases (often called the Central Park Five).

10. In March of 2017, I started Rickner PLLC, focusing on civil rights litigation, including wrongful conviction cases, representing the families of people who died while incarcerated, and a wide variety of cases against police officers and prison officials. In total, I have represented more than 200 individual clients in civil rights cases, in both state and federal courts across New York.

11. Through this work, I have broad experience litigating in federal court. I have litigated 90 cases in the New York federal courts, I have been lead counsel in six federal trials, and I have argued seven appeals in the Second Circuit Court of Appeals. Five of these federal cases resulted in multi-million-dollar settlements ranging from \$4.5 million to \$8 million, and recent verdicts have included a \$650,000 verdict for a woman who was falsely arrested and a \$850,000 verdict for a man who spent seven months in jail after his due process rights were violated.

12. Rickner PLLC also spends a substantial amount of time doing pro bono work. I represented Compassion & Choices in an amicus brief where the New York State Supreme Court, Appellate Division, First Department adopted our argument that a hospital can be liable for failing to follow a patient's end of life plan. *Greenberg v. Montefiore New Rochelle Hosp.*, 205 A.D.3d 47 (1st Dept. 2022). I was also recruited to handle an amicus brief in the Second Circuit on behalf of a group of medical professionals in *Yang v. New York State Board of*

Election, 20-1494, which successfully challenged the State of New York's wrongful cancellation of the democratic primary. Over the last several years, the firm has volunteered for multiple pro bono civil rights cases in the Southern, Eastern, and Northern Districts, including two full trials, one of which settled during post-trial litigation for \$150,000.

13. I have been recognized as a practice area expert in civil rights litigation. I have taught multiple CLEs on civil rights litigation and electronic discovery, and have been sought out by many firms, including large firms, to advise them on litigation strategy. I have also been named a Super Lawyer in the area of Civil Rights from 2018 to 2022, and a Super Lawyer Rising Star from 2014 through 2016.

Dated: New York, New York
February 28, 2023

Respectfully submitted,



Rob Rickner